

ATTACHMENT “A”

196D-BS-87162

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DEVEAU sent O'NEILL the requested cash by Fed Ex to O'NEILL's house on a few occasions. DEVEAU also used O'NEILL's Fed Ex account number on a few occasions.

One time, DEVEAU and O'NEILL met halfway between Syracuse and Philadelphia when DEVEAU gave O'NEILL a \$33,000 payment. That payment involved the finance package for First Name Unknown THOMPSON of B.J. FARMS. The THOMPSON's were purchasing two NEW HOLLAND wheel loaders and one excavator. The financing on behalf of the THOMPSONS was approved even though O'NEILL and DEVEAU knew that the THOMPSONS had defaulted on previous loans. O'NEILL said the financing people wouldn't remember the prior problems. DEVEAU estimates that \$17,000 of the \$33,000 represented one hundred percent of the financing commission owed to DT on the THOMPSON deal. The remaining \$16,000 was money obtained in commission through financing to EARTH.

DEVEAU estimates that he has paid O'NEILL approximately \$100,000 total.

DEVEAU used most of the cash given to him by MAGGIO to pay O'NEILL.

On every financing package approved after June, 1999, DEVEAU paid a cash kickback to O'NEILL. O'NEILL kept close track of what was owed him and reports to DEVEAU that he still owes him \$14,350.

O'NEILL told DEVEAU that thirty to forty percent of the loan applications were initially turned down. O'NEILL said he pushed the applications through the financing office with his clout.

PHIL PRIOLO had warned DEVEAU that O'NEILL was "shady".

Also, in or around August, 1999, DEVEAU forwarded a finance application for a Nordberg crusher in the amount of \$402,000 to O'NEILL. DEVEAU had written down a \$47,000 down payment figure on the application, however, O'NEILL sent it back with a \$78,000 down payment and a higher sales price. O'NEILL did this without talking to DEVEAU. O'NEILL raised the down payment figures on other application as well.

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DEVEAU told MAGGIO that any one finance company in particular would raise their concern when a client company had reached a credit line of more than \$1,000,000. Therefore, DEVEAU broke down the purchase of a Nordberg 1352 crusher into two loans. One loan in the amount of \$825,000 was financed through NEW HOLLAND CREDIT. The other loan in the amount of \$402,000 was financed by CIT. In the case of both loans, the down payment figure submitted was fictitious. DEVEAU had no idea what the parts were worth. DEVEAU used figures given to him by MAGGIO.

In or around June, 1999, MAGGIO gave DEVEAU an original title in the name of EARTH EQUIPMENT bearing no lien holders for a Volvo WG 64 dump truck. The title was signed over to CIT for financing in the amount of \$80,000.

MAGGIO told DEVEAU that he got titles from JERRY TRADUP. MAGGIO bought trucks from TRADUP. MAGGIO wanted to refinance some trucks and sent the titles to DEVEAU showing lien holders. DEVEAU told MAGGIO that he could not refinance the trucks because the titles reflected current liens. MAGGIO told DEVEAU, "I'll get a new title from TRADUP without the lien, because the liens have been satisfied." The financing applications were submitted to the finance companies as purchases direct from DT sold to EARTH.

In or around June, 1999, EARTH purchased a NEW HOLLAND wheel loader and the finance package was sent to MIKE O'NEILL at CIT. O'NEILL asked DEVEAU to pay him ten percent of the financing commission that DEVEAU would earn. O'NEILL knew that DT was making money on the transaction because the sale was for NEW HOLLAND equipment and DT was paying wholesale price for the equipment. O'NEILL asked for ten percent in cash without a 1099 and that the transaction be unrecorded. O'NEILL further implied that DT could have trouble financing future deals if the payment did not occur. O'NEILL told DEVEAU that he had a hard time obtaining approvals from CIT for applications submitted by DEVEAU.

DEVEAU paid ten percent of the financing commission that DT would have earned to O'NEILL on transactions involving a NEW HOLLAND wheel loader, a Volvo WG 64, a Fontaine 654 A, a Caterpillar 330 L, a NEW HOLLAND LW 170, and a POWERSCREEN powergrid.